

## **REMARKS**

Claims 1-22 were considered by the Examiner. Claims 1-22 stand rejected by the Examiner. Claims 1-22 are pending, and are believed to be allowable over the references cited by the Examiner as discussed below.

### **Claim Rejections under 35 USC Sec. 103**

Claims 1, 5, 7-9, 11-12, 17-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dewan (USPN 7,043,008).

#### **Claim 1**

1. A method, comprising the steps of:  
detecting voice activity on at least one of a receive and a transmit channel in a communications system;  
outputting voicing decision outputs based on the step of detecting;  
storing the voicing decision outputs over a period of time to memory; and  
generating a voice activity performance metric based on the voicing decision output stored in the memory.

Claim 1 teaches a method including *detecting voice activity* on at least one of a receive and a transmit channel in a communications system, and *outputting voicing decision outputs based on the step of detecting*. The method further includes storing the voicing decision outputs over a period of time to memory, and generating a voice activity performance metric *based on the voicing decision output* stored in the memory.

Dewan does not teach detecting voice activity and outputting voicing decision outputs based on the detection. Voicing decision outputs are discussed, for example, in the Specification

at paragraph [0023], lines 6-7. Rather, Dewan teaches a system that monitors the amplitude and/or frequency of the monitored signals. Dewan at Col. 3, lines 10-15. Dewan does not teach detecting whether there is voice activity or no voice activity using a voice activity detector or other means.

It follows then that Dewan does not teach outputting voicing decision outputs based on detecting voice activity. Similarly, since Dewan does not teach outputting voicing decisions, Dewan does not teach storing the voicing decision outputs over a period of time in memory.

Finally, Dewan does not teach generating a voice activity performance metric *based on the voicing decision output* (i.e., whether there is voice activity) stored in the memory. Rather, Dewan identifies changes in emotion of the parties *based on variations in frequency and amplitude of the voice signals*, not whether or not there is voice activity. Dewan at Col. 1, lines 64-66. Furthermore, since Dewan is only concerned with identifying changes in emotion of the parties based on frequency and amplitude of the voice signals, it would not be obvious to modify Dewan to detect voice activity or no voice activity, as such voice activity detection is of no use in Dewan to detect emotion.

Therefore, it is respectfully submitted that claim 1 is patentable over Dewan. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1.

#### Claim 12

12. A system, comprising:
- a voice activity detector (VAD) configured to detect voice activity on at least one of a receive and a transmit channel in a communications system;
  - a memory to store outputs from the VAD; and
  - a voice activity analyzer in communication with the memory, the voice activity analyzer being configured to generate a performance metric based on the VAD outputs stored in the memory.

Claim 12 teaches a system including a voice activity detector (VAD), a memory to store outputs from the VAD, and a voice activity analyzer. The VAD is configured to detect voice activity on at least one of a receive and a transmit channel in a communications system. The voice activity analyzer is configured to generate a performance metric based on the VAD outputs stored in the memory.

Dewan does not teach a VAD to detect voice activity or no voice activity. There is no mention of a VAD or detecting voice activity. Rather, Dewan teaches a system that monitors the amplitude and/or frequency of the monitored signals. Dewan at Col. 3, lines 10-15.

Consequently, Dewan does not teach storing outputs from the VAD, or generating a performance metric *based on the VAD outputs*. Rather, Dewan identifies changes in emotion of the parties *based on variations in frequency and amplitude of the voice signals*, not based on the VAD output. Dewan at Col. 1, lines 64-66. Furthermore, since Dewan is only concerned with identifying changes in emotion of the parties based on frequency and amplitude of the voice signals, it would not be obvious to modify Dewan to include a VAD detect voice activity or no voice activity, as such detection is not of use in Dewan to detect emotion.

Therefore, it is respectfully submitted that claim 12 is patentable over Dewan. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 12.

Claims 5, 7-9, 11, 17-20, and 22

Claims 5, 7-9, 11, 17-20, and 22, which depend variously from independent claims 1 and 12, are believed to be allowable for at least similar reasons as those discussed above. Withdrawal of the rejection of claims 5, 7-9, 11, 17-20, and 22 under 35 U.S.C. §103(a) is respectfully requested.

Claims 2-4, 6, 10, 13-16, and 21

Claims 2-4, 6, 10, 13-16, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dewan in view of Maloney et. al. (USPN 5,696,811).

However, Maloney does not make up for the deficiencies of Dewan discussed above. Because claims 2-4, 6, 10, 13-16, and 21 are dependent variously from independent claims 1 and 12, they are also believed to be allowable for at least similar reasons as those discussed above.

Withdrawal of the rejection of claims 2-4, 6, 10, 13-16, and 21 under 35 U.S.C. §103(a) is respectfully requested.

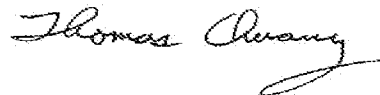
### **CONCLUSION**

In view of the above amendments and remarks, allowance of the pending claims is respectfully requested.

Respectfully submitted,

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By:



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